

EXHIBIT 6

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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

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IN RE GOOGLE PLAY STORE Case No.
ANTITRUST LITIGATION 3:21-md-02981-JD

THIS DOCUMENT RELATES TO:

Epic Games Inc. v. Google LLC,
et al.,
Case No. 3:20-cv-05671-JD

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REMOTE VIDEOTAPED DEPOSITION BY VIRTUAL ZOOM OF
DOUGLAS BERNHEIM
Thursday, April 6, 2023

Reported By: Lynne Ledanois, CSR 6811

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Thursday, April 6, 2023

9:05 a.m.

THE VIDEOGRAPHER: Good morning. We're going on the record at 9:05 a.m. And audio and video recording will continue to take place unless all parties agree to go off the record.

This is Media Unit 1 of the video-recorded deposition of Douglas Bernheim taken by counsel for the defendant in the matter of In Re Google Play Store Antitrust Litigation filed in the United States District Court for the Northern District of California, San Francisco Division. Case number is 3:21-md-02981-JD.

My name is Jeffree Anderson representing Veritext and I'm the videographer. The court reporter is Lynne Ledanois from the firm Veritext.

All parties are recorded on the record and you may swear in the witness. Thank you.

DOUGLAS BERNHEIM, Ph.D.,
having been duly sworn, testified as follows:

EXAMINATION

BY MR. MACH:

Q Good morning, Dr. Bernheim.

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1 A Good morning.

2 Q Can you state your name for the record
3 please, sir?

4 A My full name is Bert, B-E-R-T, Douglas,
5 Bernheim, B-E-R-N-H-E-I-M.

6 Q And is Dr. Bernheim an appropriate way to
7 address you, sir?

8 A That's totally fine.

9 Q Okay. Thank you.
10 How many times have you been deposed?

11 A I really can't say. I'm sure it's probably
12 a few dozen, but I don't know.

13 Q More than, say, 30; is that fair?

14 A I don't know. I'm not sure it's more than
15 30. It's probably in that general territory, but I've
16 honestly never tried to count up the number of times.

17 Q Would it be fair to say approximately 25
18 to 30 times?

19 A I don't want to say that with too much
20 conviction because I'm not really sure. Again, I have
21 not counted it up. I have to go back and figure out
22 how many cases I've been doing.

23 I'm just thinking to myself, you know,
24 I've been doing this for 30 years roughly and
25 probably have been having about a deposition a year

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1 to load. I switched documents.

2 I've got it now. I'm sorry, you said
3 Paragraph 10? Yes.

4 Q In Paragraph 10 you say, "In working with
5 Bates White staff, I instructed them to gather, for
6 my review, all materials that were relevant to my
7 analyses, regardless of whether the information was
8 helpful to Epic or to Google."

9 Do you see that, sir?

10 A I do, yes.

11 Q So in general, did you find that you had
12 access to sufficient information to adequately
13 assess the issues discussed in your report?

14 A I did, yes.

15 Q What materials relevant to your analysis
16 did you review that you found helpful to Google?

17 MR. BORNSTEIN: Object to the form of the
18 question.

19 THE WITNESS: I would not classify things
20 that way. There's materials that speak to, for
21 example, the degree of competition between Google
22 and Apple and whether that competition is in
23 smartphones or whether it's in something else.

24 There are documents that speak to
25 different degrees of competition. So documents that